

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO INTRALATA TOLL	)	
COMPETITION, AN APPROPRIATE COMPENSATION	)	ADMINISTRATIVE
SCHEME FOR COMPLETION OF INTRALATA CALLS	)	CASE NO. 323
BY INTEREXCHANGE CARRIERS, AND WATS	)	
JURISDICTIONALITY	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed July 25, 1994, pursuant to 807 KAR 5:001, Section 7, for confidential protection of its response to Item No. 5 of the data request filed by AT&T Communications of the South Central States, Inc. ("AT&T") on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

On May 4, 1994, AT&T served post hearing data requests on South Central Bell. Included among the data requests as Item No. 5 was a request that South Central Bell provide a schedule for deploying Advanced Intelligent Network ("AIN") in Kentucky. By this petition South Central Bell seeks to protect its response to that data request as confidential.

The information sought to be protected is not known outside South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need

to know and act upon the information. South Central Bell seeks to protect and preserve the confidentiality of the information through all appropriate means. To this end it has executed a confidentiality agreement with AT&T under the terms of which AT&T has agreed to protect the information from public disclosure.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The deployment of AIN provides the platform for providing discretionary and customer calling services which are subject to competition from outside vendors. Competitors include interexchange carriers, vendors of premises equipment, and others. The information sought to be protected would assist competitors in understanding South Central Bell's estimates as to when these services will be deployed in certain areas of the state and would

assist the competitors in their marketing and network appointments. Therefore disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

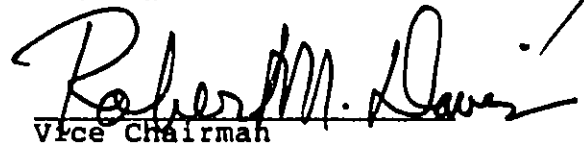
This Commission being otherwise sufficiently advised,

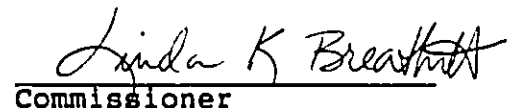
IT IS ORDERED that South Central Bell's responses to Item No. 5 of AT&T's post hearing data request, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 3rd day of August, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director